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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/609,633	07/01/2003	Eric Wisniewski	Q75615	4950

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EXAMINER
NGUYEN, KHAI MINH

ART UNIT	PAPER NUMBER
2617	

MAIL DATE	DELIVERY MODE
06/01/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _13 January 2007_.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-8_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-8_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

1.   In view of the Appeal brief filed on 1/23/2007, PROSECUTION IS HEREBY

REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the

following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply

under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed

by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and

appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth

in 37 CFR 41.20 have been increased since they were previously paid, then appellant

must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by

signing below: Joseph Feild.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed
publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1, 3-5, and 7-8 are rejected under 35 U.S.C. 102(a) as being anticipated

by Suonvieri (U.S.Pat-6445919).

Regarding claim 1, Suonvieri teaches method for providing service management to network elements of a cellular communication network (col.2, lines 45-60), said network elements communicating with an Operation and Maintenance Center (network management system) of the communication network communicating center of said cellular communication network by sending data having a data exchange format (fig.4, abstract), said data exchange format being translated in an Operation and Maintenance Center specific data format at a mediation server (fig.4, col.3, line 34 to col.4, line 26), wherein said method comprises:

identifying at said mediation server a change in said used data exchange format from a first data exchange format to a second data exchange format (fig.4, abstract, col.3, line 34 to col.4, line 26, claims 1-2); and

dynamically switching from first data exchange format to said second identified data exchange format (fig.4, abstract, col.3, line 34 to col.4, line 26, claims 1-2).

Regarding claim 3, Suonvieri teaches the method according to claim 1, wherein the method further comprises:

selecting one out of a plurality of mediation servers (fig.3) for handling information from at least one of said network elements according to a predefined load balancing policy (fig.4, abstract, col.3, line 34 to col.4, line 26).

Regarding claim 4, Suonvieri teaches method according to claim 1, wherein said data exchanged between said at least one of said network element (col.2, lines 45-60) and said Operation and Maintenance Center contains a new software version download

from the Operation and Maintenance Center to said at least one of said network

element (fig.4, abstract, col.3, line 34 to col.4, line 26).

Regarding claim 5, Suonvieri teaches a mediation server used for translating a

first data exchange format used by a network element of a cellular communication

network to a second data exchange format used by an center specific data format used

by an Operation and Maintenance (fig.4, abstract, col.3, line 34 to col.4, line 26);

wherein said mediation server comprises:

means for identifying at said mediation server a change in said used data

exchange format from a first data exchange format to a second data exchange format

(fig.4, abstract, col.3, line 34 to col.4, line 26, claims 1-2); and

means for dynamically switching from first data exchange format to said second

identified data exchange format (fig.4, abstract, col.3, line 34 to col.4, line 26, claims 1-

2).

Regarding claim 7, Suonvieri teaches the mediation server according to claim 5,

wherein the mediation server is a software component part (conversion file and repeater

driver) of said Operation and Maintenance Center (fig4-5, abstract, col.3, line 34 to

col.4, line 26).

Regarding claim 8, Suonvieri teaches the mediation server according to claim 5,

wherein the mediation server is a software component (conversion file and repeater

driver) on a standalone device connectable (conversion file and repeater driver

connecting to NMS) to said Operation and Maintenance Center (NMS)(fig4-5, abstract,

col.3, line 34 to col.4, line 26).

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 2 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Suonvieri (U.S.Pat-6445919) in view of Lucas et al. (U.S.Pub-20050278710).

Regarding claim 2, Suonvieri teaches method according to claim 1, wherein it

further comprises the steps of:

representing said data exchange format in an object oriented program (fig.4,

abstract, col.3, line 34 to col.4, line 26), and dynamically uploading the class using the

software (conversion file) to switch from said firs data exchange format to said second

identified data exchange format (fig.4, abstract, col.2, line 45 to col.3, line 3).

Suonvieri fails to specifically disclose Java programming language. However,

Lucas teaches Java programming language (paragraph 0054). Therefore, it would have

been obvious to one having ordinary skill in the art at the time the invention was made

to apply the teaching of Lucas to Suonvieri to provided for manipulating data

representation language based-objects in a native programming language environment.

Regarding claim 6 is rejected with the same reasons set forth in claim 2.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khai M. Nguyen whose telephone number is 571.272.7923. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph feild can be reached on 571.272.4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.
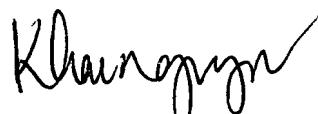
Khai Nguyen
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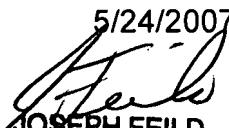
JOSEPH FEILD
SUPERVISORY PATENT EXAMINER